

Folder: Smart Murder Trial

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Source: Union Leader

Date: 1/30/91

Teen Who Blew Whistle on Smart Murder Is Charged in

By TAMI PLYLER

Union Leader Correspondent

DERRY — The fourth Seabrook teen to be charged in connection with the murder of Gregory Smart was arraigned on a charge of attempted murder in Derry District Court yesterday.

Tall, thin and dressed in a black leather jacket and jeans, Raymond Fowler, 19, kept his

■ Bill would make parents liable for children's negligent acts. Page 6

head down as he passed reporters on his way into the courthouse.

Following the arraignment, Fowler was transported to the Rockingham County Jail in

Brentwood in lieu of \$100,000 cash or surety bail.

Smart, 24, of Derry, was shot in the head and killed when he returned home from work May 1. However, police say it was not the first attempt on Smart's life. An alleged earlier, unsuccessful attempt was the basis for a warrant issued for Fowler's arrest on Monday.

According to an affidavit filed by Derry police,

it was money and goods that motivated Fowler to help William Flynn — who pleaded guilty Monday to murdering Smart — with an April attempt on Smart's life.

Fowler told police earlier this year he didn't know anything about the murder until after it happened, but police interviews last week with Flynn, and Patrick Randall and Vance Lattime

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Earlier Attempt

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Jr. — who pleaded guilty to being accomplices to the murder — paint a different picture.

According to the teens' stories, Fowler was present and participated during several conversations concerning the murder of Gregory Smart. According to the affidavit, Fowler agreed to participate in the murder, ransacking the house to make it appear as if a burglary had taken place, in exchange for an amount of money from Smart's wife Pamela — either \$1,000 or \$500, depending on the source.

Both Flynn and Randall told police Fowler said he expected to take items from the house such as the stereo, VCR and jewelry.

Flynn told police Fowler had unsuccessfully searched his aunt's attic for his father's .45 caliber handgun to use in the homicide.

"Prior to the actual attempt, Fowler took over and said he would go in to the house and kill Smart with a knife while Flynn waited in the car or acted as a lookout," the affidavit stated.

According to Lattime's statements to police, "Fowler told Lattime he would not kill Smart, but did not care if Flynn did it, he just wanted the stereo," the affidavit stated.

On the night of April 9, after traveling to a mall and purchasing Motley Crue tickets with friends, Fowler and Flynn were dropped off at the media center near Winnacunnet High School to pick up Pamela Smart's Honda CRX, the affidavit stated.

According to statements made by Flynn, he and Fowler then went to Flynn's house to get dark clothes, then to Fowler's house to get a knife and two pairs of sneakers to discard so, according to Fowler, the police could not take plaster footprints.

Next, Flynn told police, they stopped at Freedom Drug to purchase six pairs of latex gloves.

According to statements made by Cecelia Pierce, a friend of Pamela Smart's and the state's key witness, Smart told Pierce that on the night Flynn and Fowler went to Derry to kill her husband, they got lost and when they arrived, Gregory Smart was already home.

However, on May 1, Fowler waited with Lattime in the car while Flynn and Randall were successful in murdering Smart.

According to statements made by Lattime, whose father's .38 caliber handgun was used in the killing, Fowler agreed to clean the murder weapon and did so the following day.

At the request of his attorney Charles Graham, of Newburyport, Mass., Fowler will be kept separated from Flynn, Randall and Lattime while at Brentwood.

Fowler provided police with information which helped bring about the arrest of the three teens, Graham said.

"We have legitimate, physical concerns for his safety," Graham said.

If there are not facilities to keep Fowler separate at Brentwood, he can be transferred to another jail, Judge Edward R. Thornton ruled.

Assistant Attorney General Paul Maggiotto said he expects the case to be presented to the grand jury within the next few weeks.

Flynn, Randall and Lattime pleaded guilty yesterday to charges connected with the case. Flynn, 16, pleaded guilty to second-degree murder and Randall, 17, and Lattime, 18, pleaded guilty to being accomplices to second degree murder.

The pleas were the result of negotiations between attorneys and the state and reflect lesser charges than those originally sought by prosecutors.